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12 Mark Beckwith; California Foundation for Independent Living  
Centers; Independent Living Center of Southern California,  
13 Inc.; LifeLong Medical Care; and Margaret Dowling

14 **IN THE UNITED STATES DISTRICT COURT**

15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 The Gray Panthers of San Francisco; Mark Beckwith;  
California Foundation for Independent Living Centers;  
17 Independent Living Center of Southern California, Inc.;  
LifeLong Medical Care; and Margaret Dowling  
18 Plaintiffs,

No. C 09-2307 PJH

Courtroom: 5  
Hon. Phyllis J. Hamilton

19 -vs.-  
ARNOLD SCHWARZENEGGER, Governor of State of  
California; KIM BELSHE, Health and Human Services  
20 Agency of the State Hamilton of California; DAVID  
MAXWELL-JOLLY, Director of Department of Health  
Care Services State of California; JOHN CHIANG,  
Controller of State of California; BILL LOCKYER,  
21 Treasurer of State of California; and MICHAEL E.  
GENEST, Director of Finance of the State  
22 of California,

**STIPULATION AND ORDER  
RE SEPT. 17, 2009 CMC**

23 Defendants. /

The parties, through their attorneys of record, hereby stipulate and agree as follows:

1. The court has scheduled a Case Management Conference for September 17, 2009 in the above-captioned case.

2. The parties agree that the Case Management Conference should be continued in light of the following:

a. At the August 19, 2009 hearing on plaintiffs' motion for preliminary injunction and defendant Maxwell-Jolly's motion to dismiss, the Court stayed the parties' discovery obligations under Rule 26.

b. On August 19, 2009 and September 1, 2009, the court entered orders (1) denying plaintiffs' motion for preliminary injunction; (2) granting defendant Maxwell-Jolly's motion to dismiss the complaint under Federal Rule 12(b)(6), and (3) granting defendants Schwarzenegger's and Lockyer's motion to dismiss under Federal Rule 12(b)(1).

c. On September 1, 2009, plaintiffs appealed the court's orders denying plaintiffs' motion for preliminary injunction and granting defendant Maxwell-Jolly's motion to dismiss the complaint under Federal Rule 12(b)(6). Plaintiffs may also appeal dismissal of defendants Schwarzenegger and Lockyer under Federal Rule 12(b)(1).

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3. Accordingly, the parties agree that the CMC hearing currently scheduled for September 17, 2009 should be continued during the pendency of the appellate proceedings.

LYNN S. CARMAN  
STANLEY L. FRIEDMAN  
JESSIE M. SANDOVAL

By: \_\_\_\_\_ /s/  
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By: /s/  
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SCHWARZENEGGER, Governor of  
State of California; DAVID  
MAXWELL-JOLLY, Director of  
Department of Health Care Services State  
of California; BILL LOCKYER, Treasurer  
of State of California; and MICHAEL E.  
GENEST, Director of Finance of the State  
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By: \_\_\_\_\_ /s/  
Attorneys for Defendant JOHN CHIANG,  
Controller of State of California

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## [PROPOSED] ORDER

Upon reviewing the Stipulation entered into by and between plaintiffs and defendants, and good cause appearing therefore, it is hereby ORDERED that the Case Management Conference scheduled for September 17, 2009 be continued pending resolution of plaintiffs' appeals of the orders previously entered in this case. The parties are directed to contact the court once the appeals are resolved to schedule a date for the Case Management Conference if appropriate.

IT IS SO ORDERED.

Dated: 9/10/09

